In the High Court of Uttaranchal, at Nainital.

Criminal Transfer Application No. 10 of 2002

Deepak Sisodia ..... Applicant.

Versus

State of Uttaranchal and 2 others ...Opp. Parties.

Sri Lalit Sharma, Advocate for the applicant.
Sri P.S. Saun, learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

The application U/S 407 Cr.P.C. has been filed by the applicant Deepak Sisodia for transferring his case from the Court of Munsif Magistrate, Ranikhet, Almora to any other Sessions Division of Uttaranchal State, preferably to some plain area, where the applicant can easily attend the court.

2- Heard learned counsel for the applicant, learned A.G.A. and perused the record.

3- Learned counsel for the applicant has argued that the right leg of the applicant has been amputated, hence he cannot walk properly, therefore, he has to face great difficulty in appearing before the court at Ranikhet.

4- I do not find any force in the argument advanced by the learned counsel for the applicant.

5- The court of Munsif Magistrate at Ranikhet is on the road side, therefore to my mind the applicant will have no inconvenience in attending the court when the date is fixed in his case.

6- Learned counsel for the applicant has further argued that in case if the applicant surrenders before the court then the court will send him to jail and the only jail available in District Almora is at Almora, where it will be most inconvenient for the applicant to go there in view of the fact that he is suffering from 80% disability.

7- Keeping in view the fact and circumstances stated above, I direct that whenever the applicant appears before the court of Judicial Magistrate, Ranikhet, the Magistrate, after taking him into custody will send him to Sub-Jail Haldwani. The applicant will appear before the court concerned at Ranikhet on the dates fixed from Sub-Jail Haldwani. It is also made clear that in case if the applicant applies for bail before the court concerned, the same should be decided expeditiously.

8- In view of the aforesaid observations the criminal transfer application moved U/S 407 Cr.P.C. is disposed of finally.

(B.C. Kandpal, J.)

Dated: 12-07-2006
ISB